IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

EMPLOYBRIDGE, LLC, a California Limited Liability Company, and EMPLOYMENT SOLUTIONS MANAGEMENT, INC., a Georgia Corporation,

Plaintiffs,

v.

Case No. 16-MC-00045 WJ
consolidated with No. 16-CV-00833 WJ/KK

RIVEN ROCK STAFFING, LLC, a Nevada Limited Liability Company, LARRY SHAUN SHEPHERD, an individual, CATHERINE OLINGER, an individual, TERRY MILLER, An individual, TIMOTHY JACQUEZ, an individual, and Does 1 through 25, inclusive,

Defendants.

ORDER CONSOLIDATING CASES
and
CLARIFYING LEAD CASE FOR FUTURE FILINGS

THIS MATTER comes before the Court upon Plaintiffs' Unopposed Motion to Consolidate, filed January 10, 2017 in 16-MC-00045 case **(Doc. 17)**.

Rule 42(a) of the Federal Rules of Civil procedure allows district courts to consolidate actions involving common questions of law or fact. Fed. R. Civ. P. 42(a). Whether to grant a motion to consolidate is in the trial court's discretion. *See Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978). Once the district court determines there is a common question of law or fact, the Court weighs the interest of judicial convenience in consolidating the cases against the delay, confusion, and prejudice that consolidation might cause. *The Servants of the Paraclete, Inc. v. Great American Ins. Co.*, 866 F.Supp. 1560, 1572 (D.N.M. 1994).

Plaintiffs ("EmployBridge") provide staffing and workforce management services. Defendants are former employees currently operating a competing business under the name Riven Rock Staffing, LLC ("Riven Rock") which is located only three miles from their previous work location at EmployBridge. In *EmployBridge et al., LLC, v. Riven Rock Staffing, LLC, et al.*, Case No. 16-CV-00833 WJ/KK, Plaintiffs are suing Defendants for breaching their employment agreements which include provisions relating to non-competition, non-solicitation and non-disclosure of trade secrets/confidential information. As part of its prosecution of that case, EmployBridge issued subpoenas to a third party, Stephen Sorensen, who resides in Santa Barbara, California. On November 18, 2016, EmployBridge moved to compel Mr. Sorensen's compliance with those subpoenas in the U.S. District Court for the Central District of California where Mr. Sorensen resides. The California Court transferred the motion to this Court, and the case was assigned the above captioned miscellaneous case number.

The Court agrees with the parties that the instant case, comprised of the single motion regarding the subpoenas, is part of the larger employment case, Case No. 16-CV-00833 WJ/KK, and that consolidation is proper because both cases involve common questions of law or fact, and also is necessary to minimize confusion. Accordingly, Plaintiffs' Unopposed Motion to Consolidate **(Doc. 17)** is GRANTED and henceforth, **all pleadings shall be filed under case number 16-CV-00833 WJ/KK.**

SO ORDERED

UNITED STATES DISTRICT JUDGE